IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3636 OF 2004

M/s.Atul Builders. ... Petitioner.

V/s.

Smt.Asmabegum Mohamed Siddique Shaikh & ors. ... Respondents.

R.M.Vasudeo for the petitioner.

R.O.Pathak for respondent No.1.

CORAM: V.C.DAGA, J.

DATED: 20th April 2006.

P.C.:

. Two petitions being Writ Petition No.3636/2004 and Writ Petition No.3733/2004 were on board of this Court on 18th March, 2006. The following order was passed in Writ Petition No.3733/2004:

> ". Learned counsel appearing for the petitioner submits that the petitioner has expired leaving behind petitioner No.2 as sole surviving legal heir. Statement made is taken on record. Permission to delete name of petitioner No.1 is granted. At the same time, he is permitted to delete reference to Article 226 of the Constitution of India.
>
> . Rule returnable early. Shri Pathak waives service on behalf of respondent No.1.
>
> . Rule on interim relief. In the meanwhile, ad-interim relief in terms of

prayer clause (b)."

2. The learned counsel for the parties submit that the present writ petition was withdrawn on 18th March, 2006. That by mistake the order reproduced above was transcribed in the present Writ Petition No.3636 of 2004, which was, in fact, dictated in Writ Petition No.3733 of 2004.

3. In this view of the matter, the order dated 18th March, 2006 reproduced hereinabove is recalled and following order is passed:

> " On the motion made by the learned counsel for the petitioner, petitioner is allowed to withdraw this petition.
>
> . Petition is dismissed as withdrawn with no order as to costs."

4. Registry is directed to issue certified copy of the order after carrying out necessary correction.

5. Praceipe for speaking to the minutes stands disposed of accordingly.

(V.C.DAGA, J.)